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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10 EDGAR MOSQUERA GAMBOA,

11 Petitioner,

12 v.

13 UNITED STATES OF AMERICA,

14 Respondent.

) Case No. CV 17-3303 DSF(JC)

) JUDGMENT  
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16 Pursuant to this Court's Order Accepting Findings, Conclusions and  
17 Recommendations of United States Magistrate Judge,

18 IT IS ADJUDGED that (1) the "Petition for Writ of Habeas Corpus (2241)"  
19 ("Petition") is construed to be a motion to vacate, set aside, or correct sentence  
20 pursuant to 28 U.S.C. § 2255 ("Section 2255 Motion") and the Petition/Section  
21 2255 Motion and this action be dismissed without prejudice for lack of  
22 jurisdiction; or (2) alternatively – in the event petitioner is deemed to have made an  
23 adequate showing that his remedy under Section 2255 is inadequate or ineffective  
24 – the Petition is denied on the merits and this action is dismissed with prejudice.

25 DATED: 8/31/18

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28 HONORABLE DALE S. FISCHER  
UNITED STATES DISTRICT JUDGE